



EL MONTE UNION HIGH SCHOOL DISTRICT  
3537 JOHNSON AVENUE  
EL MONTE, CA 91731

## BID PROTEST CERTIFICATION

BID No. 2016-17(B3)  
GENERAL CONTRACTOR SERVICES  
EL MONTE HIGH SCHOOL  
BLEACHER PROJECT  
(BID PACKET SECTION 00404)

A bidder may protest a bid award if he/she believes that the award was inconsistent with Board policy or the bid's specifications or was not in compliance with the law.

A protest must be filed in writing with the Superintendent or his/her designee within **five (5) business days** after opening of the bids. The bidder shall submit all documents supporting or justifying the protest. A bidder's failure to file a timely protest shall constitute waiver of his/her rights to protest the award of the contract.

Any bidder submitting a Bid Proposal may file a protest of the District's intent to award the Contract provided that each and all of the following conditions are met:

- (1) The protest must be submitted in writing only and to the office of the Superintendent (e-mail is not acceptable), before 4:00 p.m. of the fifth (5<sup>th</sup>) business day following the bid opening.
- (2) The initial protest document must contain a complete statement of any and all basis for the protest including, without limitation, all facts, supporting documentation, legal authorities and argument(s) in support of the grounds for the bid protest; any matters not set forth in the written bid protest shall be deemed waived. All factual contentions must be supported by competent, admissible and creditable evidence.
- (3) The protest must refer to the specific portions of all documents which form the basis of the protest.
- (4) The protest must include the name, address and telephone number of the person representing the protesting party.

- (5) Any bid protest not conforming to the foregoing shall be rejected by the District as invalid. Provided that a bid protest is filed in strict conformity with the foregoing, the District's Superintendent, or such individual(s) as may be designated by him/her, shall provide the bidder submitting the bid protest with a written statement concurring with or denying the bid protest. The District's Governing Board will render a final determination and disposition of a bid protest by taking action to adopt, modify or reject the disposition of a bid as reflected in the written statement of the District's Superintendent or his/her designee. Action by the District's Governing Board relative to a bid award shall be final and not subject to appeal or reconsideration by the District, any employee or officer of the District or the District's Governing Board. The rendition of a written statement by the District's Superintendent, or his/her designee, and action by the District's Governing Board to adopt, modify or reject the disposition of the bid award reflected in such written statement shall be express conditions precedent to the institution of any legal or equitable proceedings relative to the bidding process, the District's intent to award the Contract, the District's disposition of any bid protest or the District's decision to reject all Bid Proposals.
- (6) The procedure and time limits set forth in this paragraph are mandatory and are the Bidder's sole and exclusive remedy in the event of bid protest. Failure to comply with these procedures shall constitute waiver of any right to further pursue the bid protest, including filing a California Government Code Claim or legal proceeding.

I certify under penalty of perjury under the laws of the State of California that I have read the Bid Protest Guidelines,

Date: \_\_\_\_\_

Proper Name of Bidder: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

END OF DOCUMENT